

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested. Claims 1-25 are pending, Claims 1, 6, 10, 15, 19 and 22 having been amended, and Claim 25 added by way of the present amendment. Support for Claim 25 is found at page 8, lines 15-17, and thus no new matter is added.

In the outstanding Office Action, Claims 1-24 (erroneously identified as Claims 1-18) were rejected as being unpatentable over Kato et al. (U.S. Patent No. 6,301,663).

The specification has been amended to correct typographical errors, but no new matter is added. Furthermore, each of the independent claims has been amended to clarify that the “recording”, is referring to a recording operation, not a recording medium. Support is found throughout the specification (e.g., page 8, second full paragraph) and therefore no new matter is added.

With regard to the rejection of Claims 1-24, Applicants respectfully traverse the rejection. It is believed that the basis of the rejection has been made due to an improper understanding of the presently pending claims. Claim 1 is directed to a data recording method for recording digital data to a recording medium. The method includes a first step of generating independent write identification information for each recording operation of the digital data. A second step is encrypting data identification information of the digital data and control information by use of the write identification information. It is this step that the undersigned believes has been misconstrued in the outstanding Office Action. The “encrypting” step requires that data identification information and data control information be encrypted by use of the write identification information. This write identification information, has been generated to be independent for each recording operation of the digital data.

An advantage of the approach defined in Claim 1 is that the disc ID and the write ID become unrelated to one another, which can prevent the disc ID and the write ID from being taken outside of the disc recording apparatus. (Specification, page 14, last two lines, to page 15, first two lines). Furthermore, encryption is performed by use of the recording medium identification information, which is particular to the recording medium, for each recording operation of the digital data (specification, page 4, last three lines). Thus, digital data identification information cannot be decrypted even though the reproduced data from the recording medium is copied, thus preventing copying of data (page 5, lines 1-2).

Kato is directed to a method of using a series of master keys that are recorded in a secret area on a chip (col. 6, lines 5-6) which are then used to encrypt a set of disc keys (col. 6, lines 9-10 and 20-23). Moreover, the disc keys are encrypted by all n master keys and are recorded on a single DVD. A part master key that corresponds to a particular key is stored in a decryption system C (col. 6, lines 20-23).

Comparing amended Claim 1 with Kato, amended Claim 1 requires generating independent write identification information for each recording operation of the digital data. The outstanding Office Action asserts that the “master key” performs the function of the claimed “write identification information” because “part of the key is maintained on the disc 1”. The outstanding Office Action also asserts that the master key is independent for each recording because part of the master key is embedded in a watermark for the recording, so that therefore the calculated master key is independent.

However, this appears to be exactly opposite of what is being claimed in Claim 1. Claim 1 requires the generation of independent write identification information for each recording operation of the digital data. The undersigned wonders if the presumption in the outstanding Office Action is that use of the term “recording” in Claim 1, has raised some confusion regarding whether the “recording” is referring to a disc, or a recording operation.

To clarify this potential uncertainty, Claim 1 has been amended, as well as the other independent claims, to define that the write identification information is independently generated for each recording operation of the digital data. In view of the clarification in amended Claim 1, it should be clear that the master key cannot correspond to the write identification information, because the master key is not generated independently for each recording operation of the digital data.

Amended Claim 1 also requires that the data identification information and data control information be encrypted by use of the write identification information that was generated independently for each recording operation. The outstanding Office Action asserts that Kato discloses this feature, but the undersigned disagrees. The outstanding Office Action asserts that Kato discloses encrypting data identification information of the digital data (referring to col. 6, lines 20-24), and asserts that the disc key performs the function of the write identification information because it identifies the disc, and therefore the information on the disc. The undersigned finds this confusing. In this assertion the Office Action says that “the disc key performs the function of the write identification information”, but in two sentences above, the Office Action asserts that it is the “master key” that performs the function of the write identification information. In either event, whether the Office Action rejects the claims based on the master key or the disc key corresponding to the identification information, neither one is sufficient to cover the “encrypting step” of amended Claim 1.

The encrypting step requires that data identification information and data control information are encrypted by use of the write identification information. The outstanding Office Action discusses an alleged correspondence between the master key, or the disc key serving as the write identification information, and is encrypted by the master key (Office Action, page 2, fourth and fifth line from the bottom). However, even if this were the case, it

does not correspond with the claimed encryption step which requires encrypting by using the write identification information for both data identification information and the data control information. The outstanding Office Action never alleges, nor is it believed that Kato teaches or suggests, the feature of encrypting the data control information with write identification information.

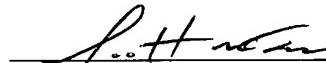
In view of the above comments, it is respectfully submitted that the outstanding Office Action has not created a *prima facie* case of obviousness. Even if the Office Action's assertion were taken as being true (and Applicants even disagree with these assertions), the outstanding Office Action does not address how all of the elements in independent Claim 1 are found (or taught or suggested) in Kato. For example, there is no description of how "data control information" is encrypted by use of "write identification information". Accordingly, it is respectfully submitted that Claim 1 as amended patentably defines over the asserted prior art.

Each of the other independent claims is believed to patentably define over Kato for at least the reasons discussed above with regard to Claim 1. Similarly, as Claim 1 was amended to clarify that the "recording" is a recording operation, and not a disc itself, it is believed that no new matter has been added to these claims. Thus, it is respectfully submitted that each of the other Claims 2-24, as amended, patentably define over Kato for at least the reasons discussed above with regard to amended Claim 1. Since Claim 25 depends from Claim 1, it is believed that Claim 25 defines over the prior art for at least the same reasons as Claim 1.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-25, as amended, patentably defines over the asserted prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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MAIER & NEUSTADT, P.C.



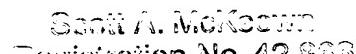
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